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David John Ford

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EXAMINER

ARAQUE JR, GERARDO

ART UNIT

PAPER NUMBER

3689

MAIL DATE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/064,962

**Applicant(s)**

FORD ET AL.

**Examiner**

GERARDO ARAQUE JR

**Art Unit**

3689

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Reopening of Prosecution After Appeal Brief or Reply Brief**

1. In view of the appeal brief filed on 12/21/07, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Janice A. Mooneyham/

Supervisory Patent Examiner, Art Unit 3629

### ***Specification***

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is

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requested in correcting any errors of which applicant may become aware in the specification.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 1 – 20** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. **Claims 1, 11, and 14** recite the limitation "**the potential service**" in **line 3 of claim 1 and line 5 of claims 11 and 14**. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 1 – 2, 6 – 10, 14 – 15, and 18** are rejected under 35 U.S.C. 102(e) as being anticipated by **Himes (US 2003/0191660 A1)**.

7. In regards to **claim 1**, **Himes** discloses an online method for advising a customer on service needs and facilitating the scheduling of a vehicle service appointment, the method comprising (**Page 4 ¶ 35**):

- receiving a service inquiry wherein the service inquiry is selected from the group comprising:
  - i. a service request, a scheduled maintenance request, and a recall request (**Page 2 ¶ 18 Lines 18, 22 wherein it would be inherent that a recall request would fall under recommended services**);
- receiving input information regarding the potential service of the vehicle (**Page 2 ¶ 19**) wherein
  - i. if the service inquiry is a service request, the input information includes information defining vehicle symptoms pertinent to the service request (**Page 2 ¶ 18**) or
  - ii. if the service inquiry is the scheduled maintenance request or the recall request, the input information includes a vehicle identification number or the vehicle make, vehicle model year, and vehicle model wherein the input information is used to determine whether service is advised for the vehicle (**Page 2 ¶ 22; Page 3 ¶ 24**); and
- transmitting the input information and an appointment request to a vehicle service provider to facilitate the scheduling of the vehicle service appointment (**Page 4 ¶ 35**).

8. In regards to **claim 2**, **Himes** discloses wherein the service inquiry is the service request and wherein the input information defining vehicle symptoms pertinent to the service request includes a vehicle symptom string (**Page 3 ¶ 32**).
9. In regards to **claim 6**, **Himes** discloses wherein the service inquiry is selected by the customer (**Page 2 ¶ 18**).
10. In regards to **claim 7**, **Himes** discloses receiving available appointment dates and arrival times from the vehicle service provider (**Page 1 ¶ 11; 2 ¶ 11**).
11. In regards to **claim 8**, **Himes** discloses wherein the service inquiry is the vehicle maintenance request and further comprising retrieving a vehicle maintenance schedule for the vehicle based on the input information (**Page 2 ¶ 18, 20; Page 3 ¶ 24**).
12. In regards to **claim 10**, **Himes** discloses transmitting to the customer the input information to the customer prior to transmitting the input information and the appointment request (**Page 4 ¶ 35, 39, 40**).
13. In regards to **claim 14**, **Himes** discloses an online system for advising a customer on service needs and facilitating the scheduling of a vehicle service appointment, the system comprising (**Page 4 ¶ 35**)
  - at least one server computer operably serving at least one client computer, the at least one server computer configured to (**Page 4 ¶ 35, 39**):
    - (i) receive a service inquiry wherein the service inquiry is selected from the group comprising: a service request, a scheduled maintenance request, and a recall request (**Page 2 ¶ 18 Lines 18, 22 wherein it would**

**be inherent that a recall request would fall under recommended services);**

(ii) receive input information regarding the potential service of the vehicle **(Page 2 ¶ 19)** wherein

(a) if the service inquiry is a service request, the input information includes information defining vehicle symptoms pertinent to the service request **(Page 2 ¶ 18)** or

(b) if the service inquiry is the scheduled maintenance request or the recall request, the input information includes a vehicle identification number or the vehicle make, vehicle model year, and vehicle model wherein the input information is used to determine whether service is advised for the vehicle **(Page 2 ¶ 22; Page 3 ¶ 24)**; and

- (iii) transmit the input information and an appointment request to a vehicle service provider to facilitate the scheduling of the vehicle service appointment **(Page 4 ¶ 35)**.

14. In regards to **claim 15**, **Himes** discloses wherein the at least one server computer is additionally configured to receive available appointment dates and arrival times from the vehicle service provider **(Page 1 ¶ 11; 2 ¶ 11)**.

15. In regards to **claim 18**, **Himes** discloses wherein the service inquiry is the service request and wherein the input information defining vehicle symptoms pertinent to the service request includes a vehicle symptom string **(Page 3 ¶ 32)**.

***Claim Rejections - 35 USC § 103***

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. **Claims 9** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Himes (US 2003/0191660 A1)** in view of **Jim Mateja (Monroney Label a Window of Opportunity for Sellers)**.

18. In regards to **claim 9**, **Himes** discloses inputting a VIN into the system and providing recommended vehicle services, as discussed above.

However, **Himes** fails to explicitly disclose:

wherein the service inquiry is the recall request and further comprising determining whether a recall exists for the customer's vehicle based on the input information.

**Mateja**, however, discloses that it is old and well known in the art to provide a VIN into a dealer's computer to determine whether a recall exists for a vehicle. As a result, it would have been obvious to look upon **Mateja** as a teaching for **Himes** to provide recall information to a dealer when a VIN is inputted into the system of **Himes** so that a full list of recommended services can be provided to a user.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify **Himes** in view of the teachings of **Mateja** to input a



VIN into the dealer management system in order to provide a customer with a thorough report of recommended services.

19. **Claims 11 – 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Himes (US 2003/0191660 A1)**.

20. In regards to **claims 11 – 13**, **Himes** discloses an online vehicle service method comprising: receiving a service inquiry wherein the service inquiry is selected from the group comprising (**Page 4 ¶ 35**):

- a service request, a scheduled maintenance request, a recall request, and a vehicle status request (**Page 2 ¶ 18, 22, 23 wherein it would be inherent that a recall request would fall under recommended services**);
- receiving input information regarding the potential service of the vehicle (**Page 2 ¶ 19**) wherein
  - i. if the service inquiry is a service request, the input information includes information defining vehicle symptoms pertinent to the service request (**Page 2 ¶ 18**) or
  - ii. if the service inquiry is the scheduled maintenance request or the recall request, the input information includes a vehicle identification number or the vehicle make, vehicle model year, and vehicle model wherein the input information is used to determine whether service is advised for the vehicle (**Page 2 ¶ 22; Page 3 ¶ 24**) or
  - iii. if the service inquiry is the vehicle status request, the input information includes an at least last name of a customer checking on the

vehicle status wherein the input information is used to determine the vehicle status (**Page 2 ¶ 22**); and

- transmitting the input information and an appointment request to a vehicle service provider to facilitate the scheduling of the vehicle service appointment (**Page 4 ¶ 35**).

**Himes** further discloses wherein the service inquiry is the vehicle status request and further comprising receiving vehicle status information from the vehicle service provider and transmitting the information to the customer (**Page 2 ¶ 23; Page 4 ¶ 35**).

However, Himes does not explicitly disclose providing the status information of work in progress. However, it is old and well known in the art for customers to input information into an online service provider to know that status of their service. For example, finding the status of a package being sent through them through UPS, FedEx, and etc. is only a matter of having the customer go online and inputting the information at either the above mentioned carriers or at the service providers website, such as Amazon.com. It is old and well known for customers to call a mechanic in order to know that status of the vehicle by providing their name or the vehicle type. One skilled in the art would have found it obvious to carry over this same type of service to the online system provided by Himes. It would be poor business practice for a mechanic to provide an online system and providing fewer services than those that are provided in person or over the phone since it would cause customers to not use the online service.

21. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to provide a vehicle status option as is already known in the art

into the system of Himes in order for a vehicle maintenance service provider to continue providing the same quality of service that is provided over the phone or in person.

22. **Claims 3 – 5, 16 – 17, and 19 - 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Himes (US 2003/0191660 A1)** in view of **Singer (US Patent 6,304,848 B1)** in further view of **Blasingame et al. (US 2002/0022975 A1)**.

23. In regard to **claims 3 and 19**, **Himes** is discussed above, but fails to disclose determining an at least two symptom probing questions based on the vehicle symptom string.

However, **Blasingame** discloses a method of scheduling patients with the use of a pre-visit patient summary, which comprises medical “key” questions regarding to the patient’s condition (**Page 1 ¶ 10**).

Further still, **Singer** further defines that the use of symptom probing questions is old and well known. **Singer** discloses a key term recognizing means for matching medical terms used by at least one medical personnel with patient conditions (**Column 3 Lines 7 – 21**).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify **Himes** in view of the teachings of **Blasingame** and **Singer** to include a symptom probing question process based on the vehicle symptom string in order for the dealership/mechanic to be aware of what would be expected when the vehicle comes in for repairs.

24. In regard to **claims 4 and 20**, the combination of Himes/Blasingame/Singer is discussed above. Himes discloses the transmission of information to the customer **(Page 2 ¶ 18; Page 4 ¶ 35)**.

25. In regards to **claim 5**, the combination of Himes/Blasingame/Singer would transmit to the vehicle service provider the answers to the at least two symptom probing questions, as is discussed above.

26. In regards to **claims 16 and 17**, **Blasingame** discloses the use of XML is old and well known to transport information **(Page 3 ¶ 72)**.

#### ***RESPONSE TO ARGUMENTS***

27. Applicant's arguments filed 3/19/07 have been fully considered but they are not persuasive.

#### **Rejection under 35 USC 102(e)**

28. Applicant argues that Himes fails to teach or suggest "if the service inquiry...is a recall request, the input information includes a vehicle identification number or the vehicle make, vehicle model year, and vehicle model." However, the Examiner asserts that the current claim language only claims, "receiving a service inquiry wherein the service inquiry is **selected from the group consisting of**: a service request, a scheduled maintenance request, and a recall request..."

Applicant argues that Himes fails to disclose or suggest "receiving input information regarding the potential service of [a] vehicle...wherein the input information is used to determine whether service is advised for the vehicle." However, as discussed above, Himes discloses providing recommended vehicle maintenance schedules.

Applicant further argues the Himes fails to disclose or suggest “transmitting the input information and an appointment request to a vehicle service provider to facilitate the scheduling of the vehicle service appointment. However, as shown in ¶ 35, Himes discloses that the various functions are communicated (transmitted) between the PC and the ERA system or DMS that may be used. As a result, the above inputted information would then be transmitted to the ERA or DMS that may be used.

**Claims 2, 6 – 8, and 10**

Applicant argues that Himes does not disclose or suggest the contents of claims 2 and 6 – 8 and 10. The applicant has addressed the supposed deficiencies of claims 2, 7, and 10, but not of 6 and 8.

Applicant argues that Himes fails to disclose or suggest “the input information defining symptoms pertinent to the service request includes a vehicle symptom string.” However, Himes discloses within ¶ 32 that additional information may be entered into the system to describe the customer’s complaint.

Applicant argues that Himes fails to disclose or suggest “receiving available appointment dates and arrival times from the vehicle service provider.” However, Himes discloses, “After selection of the maintenance items 209, a “quick write-up” sheet appears on the screen. The customer and the service advisor can enter other items of information on the screen to complete the repair order. These fields may include time and date promised, additional contact instructions, additional contact number, service advisor number and other services desired.” However, as already discussed above, Himes discloses that the system also provided recommended services. As a result, if

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one of those services were an oil change it would have been inherent for the system to provide available dates and times for when the next oil change would be due.

Moreover, the above date and time as disclosed by Himes are for when the customer has arrived to the dealership for specific maintenance issues. At which point, the advisor would provide the date and time for which repairs would be finished so that the customer can pick up the vehicle.

Applicant argues that Himes fails to disclose or suggest "determining whether a recall exists for the customer's vehicle based on the input information." However, as already discussed above, Himes discloses specific maintenance schedules and recommended vehicle maintenance schedules.

Applicant argues that Himes fails to disclose or suggest "transmitting the input information to the customer prior to transmitting the appointment request. As best understood by the Examiner, Himes discloses that the customer inputs the necessary information within the system. After the information is inputted a copy of the information is displayed to the user in order to verify that all the information is correct, which is old and well known in the art. After everything has been verified, the inputted information is sent over the Internet and to the ERA or DMS that is being used.

**Claims 9, 11, 12, and 13**

Discussed above.

**Claim 14, 15 and 18**

Applicant further argues that Himes fails to disclose "at least one server computer configured to...receive input information regarding the potential service of [a]

vehicle...wherein the input information is used to determine whether service is advised for the vehicle." However, Himes discloses an online system for providing online vehicle service as discussed above, which would require the use of a server since it is an online system and service. All of the steps have been discussed above and it is inherently included that the computer components needed to carry out the method are included as well.

**Rejection under 35 USC 103(a)**

29. Applicant argues that the combination of Himes, Singer and Blasingame fail to disclose "determine[ing] an at least two symptom probing questions based on the vehicle symptom string and for obtaining at least two symptom probing answers from the customer." Although the teaching reference are in regard to medical diagnosis, the Examiner is relying on the concept of inputting information into a system to determine a final solution to a problem based on questions that the user is required to answer. As discussed above, Himes discloses within ¶ 32 that additional information may be entered into the system to describe the customer's complaint. One of ordinary skill in the art would have found it obvious through the teachings of both Singer and Blasingame to provide an automated system to carry out the concept mentioned above in order to provide the necessary information and possible solution to a mechanic and customer in order provide a more efficient method of attending to a customer's problem.

***Conclusion***

30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure can be found in the PTO-892 Notice of References Cited.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to GERARDO ARAQUE JR whose telephone number is (571)272-3747. The examiner can normally be reached on Monday - Friday 8:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on (571) 272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/G. A./  
Examiner, Art Unit 3689  
3/15/08

/Janice A. Mooneyham/  
Supervisory Patent Examiner, Art Unit 3629